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JC944 U.S. PTO

Rev. 10/08/2001

12 10 - 86

EL514040365

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PATENT

Attorney Docket No: COAD-004/01US

Express Mail Label Number:

EL514040365US

Date of Deposit:

05 DEC. 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Box Patent Application, P.O. Box 2327, Arlington, VA 22202.

Date: 05 DEC. 2001

By:

  
Douglas Gow

**Box Patent Application  
Commissioner for Patents  
Washington, D.C. 20231**

### UTILITY PATENT APPLICATION TRANSMITTAL

Transmitted herewith for filing is a U.S. Non-Provisional Utility Patent Application entitled:

#### APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES

naming as inventors: **Jack R. Kelly**  
**Haiji J. Yuan**  
**Qingyu (Tom) Li**  
**Hudson Washburn**

and including:

- (11) pages of description (before the claims);
- (4) pages of claims ((36) total claims; (2) independent claims);
- One (1) Sheet of Abstract;
- (13) sheets of drawing(s) including Figures 1 to 11.

1. Also enclosed are:

- unexecuted Declaration
- Nonpublication Request and Certification
- Application Data Sheet
- Assignment and Assignment Recordation Cover Sheet
- Power to Prosecute
- Assertion of Entitlement to Small Entity Status
- Information Disclosure Statement
- Preliminary Amendment
- Check No. \_\_\_\_ in the amount of \$\_\_\_\_ for the total fee as calculated below
- Return receipt postcard
- Other:

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jc997 U.S. PTO  
jc10/007326  
12/05/01

2.  Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §§119 and/or 365 to \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_, the entire content of which is hereby incorporated by reference.

A certified copy of the priority application  is enclosed  will follow.

3.  Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §119(e) to U.S. Provisional Application No.\_\_\_\_\_, filed \_\_\_\_, the entire content of which is hereby incorporated by reference.

4.  Please amend the specification by inserting before the first heading the following paragraph:

This application claims priority under 35 U.S.C. §120 to U.S. Patent Application No. \_\_\_, filed \_\_\_, the entire content of which is hereby incorporated by reference.

5. The filing fee has been calculated as follows:

	<b>NO. OF CLAIMS</b>		<b>EXTRA CLAIMS</b>	<b>RATE</b>	<b>FEES</b>
Basic Application Fee					\$740.00
Total Claims	36	- 20 =	16	x \$18.00	288.00
Independent Claims	2	- 3 =	0	x \$84.00	0.00
If multiple dependent claims are presented, add \$280.00					
Total Application Fee					1,028.00
If an Assertion of Entitlement to Small Entity Status is enclosed, subtract 50% of Total Application Fee					514.00
Other fees: (specify)					
<b>TOTAL FEE DUE</b>					<b>\$514.00</b>

- This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
- A check for the total fee is attached.
- Please charge \$\_\_ to Deposit Account No. 03-3117 for the total fee. This paper is being submitted in duplicate.
- The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

6. Please direct all correspondence concerning this application to:

COOLEY GODWARD LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (650) 843-5000  
Fax: (650) 857-0663

CUSTOMER NUMBER: **23419**

Respectfully submitted,  
**COOLEY GODWARD LLP**

Dated: Dec. 5, 01

By:

  
William S. Galliani  
Reg. No. 33,885

Cooley Godward LLP  
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Five Palo Alto Square  
3000 El Camino Real  
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WSG:dm

Attorney Docket No: COAD-004/01US

PATENT

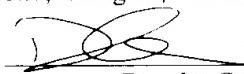
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Date: 05 Dec 2001

By:



Douglas Gow

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of **Jack R. Kelly, et al.**

Serial No.: Not assigned

Examiner: Not assigned

Filed: Herewith

Art Unit: Not assigned

For: **APPARATUS AND METHOD FOR CONTROLLING OPTICAL GAIN PROFILES**

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Commissioner for Patents  
Washington, D.C. 20231

**NONPUBLICATION REQUEST – 37 C.F.R. §1.213**

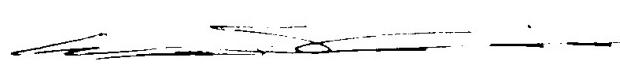
I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. §122(b).

Dated: Dec. 5, 01

Respectfully submitted,  
**COOLEY GODWARD LLP**

Cooley Godward LLP  
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3000 El Camino Real  
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\_\_\_\_\_  
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